

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Karan Hintze,

Plaintiffs

v.

Amica Mutual Insurance Company,

Defendant

Case No. 2:22-cv-01425-CDS-DJA

**Notice Regarding Intent to
Dismiss Under Local Rule 41-1**

Plaintiff Karan Hintze initiated this action in the Eighth Judicial District Court in Clark County, Nevada in June of 2022. Compl., ECF No. 1-1. Defendant Amica Mutual Insurance Company removed it to federal court in September 2022. Pet., ECF No. 1. On August 16, 2023, the magistrate judge granted the parties' stipulation to extend discovery deadlines, thereby making the proposed joint pretrial order due on March 8, 2024. ECF No. 17. More than a month has passed since that deadline, and the parties have yet to file a proposed joint pretrial order or request more time to do so.

This district's Local Rules provide for dismissal of an action for want of prosecution:

All civil actions that have been pending in this Court for more than 270 days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro se party.

LR 41-1. Further, it is within the inherent power and discretion of the court to sua sponte dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b). A plaintiff must prosecute his case with "reasonable diligence" to avoid dismissal under to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976).

1 Although Hintze's attorney filed a notice of attorney's lien on February 15, 2024 (ECF
2 No. 18), the parties have filed nothing substantive since August 15, 2023. *See* ECF No. 16. Thus,
3 this order serves as notice that the complaint may be dismissed for lack of prosecution under LR
4 41-1 and Fed. R. Civ. P. 41(b) unless Hintze takes action in this matter.

5 This notice may be discharged by (1) filing a proposed joint pretrial order, (2) filing a
6 joint status report, or (3) filing a stipulation of dismissal. Failure to respond by May 9, 2024 will
7 result in dismissal without prejudice without further notice.

8 Dated: April 22, 2024

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10 Cristina D. Silva
11 United States District Judge
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